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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,965	12/11/2003	Thomas Gregory Triebs	18,502	9226
23556 7590 01/09/2007 KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			EXAMINER STAIKOVICI, STEFAN	
			ART UNIT 1732	PAPER NUMBER
			NOTIFICATION DATE 01/09/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Kimberly-Clark.Docket@kcc.com  
catherine.wolf@kcc.com

# Notice of Abandonment

Application No.

10/732,965

Examiner

Stefan Staicovici

Applicant(s)

TRIEBES ET AL.

Art Unit

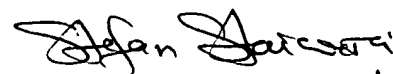
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 22 June 2006.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Mr. Vincent Kung confirmed during a telephonic interview on January 3, 2007 that a reply to the Final rejection mailed 6/22/2006 has not been filed because the Final Rejection has not been received. Accordingly, a copy of the Final Rejection has been provided.

  
**STEFAN STAIKOVICI, PHD** 11/3/07  
**PRIMARY EXAMINER**  
Art 1732

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## Office Action Summary

Application No.

10/732,965

Applicant(s)

TRIEBES ET AL.

Examiner

Stefan Stalcovici

Art Unit

1732

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicants' amendment filed April 13, 2006 has been entered. Claims 23-38 are pending in the instant application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 23-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claims 23 and 31, the newly added limitation of "creating *in situ* an interconnected, self-supporting, elastic nonwoven web" does not appear to have support in the original disclosure. Although the original disclosure does have support for a non-woven web, the original disclosure does not appear to have support for "creating *in situ* an interconnected, self-supporting, elastic nonwoven web." Further, in claim 31, the newly added limitation of "without a separate adhesive" does not appear to have support in the original disclosure.

Claims 24-30 and 32-38 are rejected as dependent claims.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 23-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 23, it is unclear what Applicants are claiming because although option (c) claims a combination of options (a) and (b), (b) merely represents a reversal of the processing steps of (a). As such, the combination presented by option (c) recites the same limitations as options (a) or (b). Further clarification is required. Claims 24-30 are rejected as dependent claims.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 23-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise (US Patent No. 4,755,158) in view of Close *et al.* (US Patent No. 6,811,638 B2) and in further view of Barnett *et al.* (US Patent No. 4,536,890).

Wise ('158) teaches the basic claimed process for making a fiber reinforced elastomeric article including, providing a mold, dipping said mold into a coagulant bath that provides a tacky surface onto said mold, spraying a plurality of chopped fibers onto pre-selected areas that stick to

said coagulant (creating *in situ*), dipping said mold into a latex bath at least twice, thereby embedding said fibers in the latex material and, drying said latex material to form said elastomeric article (see col. 3, lines 14-48). It is submitted that sprayed fiber that is collected on a surface forms an interconnected, self-supporting non-woven web because although the fibers are not oriented in any predetermined direction, the fibers form points of contact upon impact with the collecting surface (mold). Further, it is submitted that the non-woven flock web of Wise ('158) forms an elastic web because flock is a material that has elastic properties and also because a non-woven web is elastic in that it returns to its original shape if deformed below a predetermined level.

Regarding claims 23 and 31, although Wise ('158) teaches spraying a flock fibrous material, Wise ('158) does not specifically teach spraying a thermoplastic fibrous material. Barnett *et al.* ('890) teach that in making a glove, flock material includes natural fibers, *i.e.* cotton, synthetic fibers, *i.e.*, polyester (thermoplastic) or a combination of both natural and synthetic fibers (col. 2, lines 47-53). Close *et al.* ('638) teach that melt-blow fibers are formed by extruding a thermoplastic material through a plurality of capillaries into a high velocity hot gas to form filaments and depositing said filaments onto a collecting surface (mold surface) (see col. 2, lines 37-48). It is submitted that said melt-blown fibers are tacky when being deposited because of the applied heat that softens said thermoplastic material. Hence, it is submitted that said melt-blown thermoplastic fibers form an interconnecting, self-supporting, elastic non-woven web. Therefore, it would have been obvious for one of ordinary skill to spray melt-blown fibers as taught by Close *et al.* ('638) in the process of Wise ('158) because of known advantages that

melt-blown fibers provide such as versatile characteristics and ease of operation and also because, Barnett *et al.* ('890) specifically teach that natural and synthetic fiber flock material are equivalent alternatives in making a glove, whereas Wise ('158) teaches spraying a plurality of flock or chopped fibers, hence suggesting the tacky, melt-blown fibers of Close *et al.* ('638) and the thermoplastic flock fibers of Barnett *et al.* ('890).

In regard to claim 24, Barnett *et al.* ('890) teach that in making a glove, flock material includes natural fibers, *i.e.* cotton, synthetic fibers, *i.e.*, polyester (thermoplastic) or a combination of both natural and synthetic fibers (col. 2, lines 47-53). Therefore, it would have been obvious for one of ordinary skill to spray melt-blown fibers as taught by Close *et al.* ('638) in the process of Wise ('158) because of known advantages that melt-blown fibers provide such as versatile characteristics and ease of operation and also because, Barnett *et al.* ('890) specifically teach that natural and synthetic fiber flock material are equivalent alternatives in making a glove, whereas Wise ('158) teaches spraying a plurality of flock or chopped fibers in making a glove, hence suggesting the tacky, melt-blown fibers of Close *et al.* ('638) and the thermoplastic flock fibers of Barnett *et al.* ('890).

Specifically regarding claims 25-26 and 34-35, although Wise ('158) teaches spraying a plurality of flock or chopped fibers, Wise ('158) does not teach spraying a second type of fibers such as wood pulp fibers or solid staple fibers. Close *et al.* ('638) teach providing a first stream of melt-blown fibers and a second stream of pulp fibers or solid staple fibers, combining said first and second streams and directing said combined stream to a mold surface (see col. 12, lines 25-40 and col. 20, lines 35-47). Therefore, it would have been obvious for one of ordinary skill

in the art to provide a first stream of melt-blown fibers and a second stream of pulp fibers or solid staple fibers as taught by Close *et al.* ('638) in the process of Wise ('158) in view of Barnett *et al.* ('890) because Close *et al.* ('638) teach that wood pulp fibers or solid staple fibers provide for improved properties by tailoring properties to given applications, hence providing for a more versatile product and also because, Wise ('158) teaches spraying a plurality of flock or chopped fibers, hence suggesting the fibers of Close *et al.* ('638).

Regarding claims 27-28 and 32-33, Wise ('158) teaches spraying said fibers after dipping said mold in a coagulant to form a first fibrous layer, dipping said mold into said latex bath after said first spraying of said fibers, dipping said mold into a latex bath at least twice, spraying with fibers to form a second layer and drying said latex to form said elastomeric article (see col. 3, lines 14-48).

In regard to claim 29, Wise ('158) teaches spraying a plurality of chopped fibers onto pre-selected areas of a coagulant coated mold. It is submitted that spraying occurs in a random direction due to the turbulent nature of the spraying process.

Specifically regarding claim 30, Close *et al.* ('638) teach that melt-blow fibers are formed by extruding a thermoplastic material through a plurality of capillaries into a high velocity hot gas to form filaments and depositing said filaments onto a collecting surface (mold surface) (see col. 2, lines 37-48). It is submitted that said melt-blown fibers are tacky when being deposited because of the applied heat that softens said thermoplastic material. Hence, it is submitted that said melt-blown thermoplastic fibers form an interconnecting, self-supporting, elastic non-woven web. Therefore, it would have been obvious for one of ordinary skill to spray melt-blown fibers



as taught by Close *et al.* ('638) in the process of Wise ('158) because of known advantages that melt-blown fibers provide such as versatile characteristics and ease of operation and also because, Barnett *et al.* ('890) specifically teach that natural and synthetic fiber flock material are equivalent alternatives in making a glove, whereas Wise ('158) teaches spraying a plurality of flock or chopped fibers, hence suggesting the tacky, melt-blown fibers of Close *et al.* ('638) and the thermoplastic flock fibers of Barnett *et al.* ('890).

Regarding claim 36, Wise ('158) teaches a natural rubber latex material (col. 3, lines 29-31).

In regard to claim 37, Close *et al.* ('638) teach melt-blow fibers that are formed by extruding a thermoplastic material through a plurality of capillaries into a high velocity hot gas to form filaments and depositing said filaments onto a collecting surface (mold surface) (see col. 2, lines 37-48). It is submitted that said melt-blown fibers form continuous strands. Therefore, it would have been obvious for one of ordinary skill to spray melt-blown fibers (continuous strands) as taught by Close *et al.* ('638) in the process of Wise ('158) because of known advantages that melt-blown fibers provide such as versatile characteristics and ease of operation and also because, Barnett *et al.* ('890) specifically teach that natural and synthetic fiber flock material are equivalent alternatives in making a glove, whereas Wise ('158) teaches spraying a plurality of flock or chopped fibers, hence suggesting the tacky, melt-blown fibers of Close *et al.* ('638) and the thermoplastic flock fibers of Barnett *et al.* ('890).

Specifically regarding claim 38, Wise ('158) teaches a fiber-reinforced glove (see Abstract).

***Response to Arguments***

8. Applicants' remarks filed April 13, 2006 have been considered. However, Applicants' arguments are drawn newly presented claim limitations not previously presented that have been rejected in this Office Action as set forth above.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (571) 272-1208. The examiner can normally be reached on Monday-Friday 9:30 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stefan Staicovici, PhD



Primary Examiner

6/16/06

AU 1732

June 16, 2006